

**WWSC**

1450 AM



*Normandy Broadcasting Corporation*

AN AFFILIATE OF THE AMERICAN BROADCASTING COMPANY

ORIGINAL

FILE 48 FM  
WYLR

217 Dix Ave., Glens Falls, NY 12801 • 518-793-4444 • Fax 792-3374

ORIGINAL RECEIVED  
FILE NOV - 2 1992

October 29, 1992

Mrs. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Normandy Broadcasting Corporation &  
Lawrence M. Brandt  
Glens Falls, New York  
MM Docket 92-6 et al.

RECEIVED

NOV 2 1992

Dear Ms. Searcy:

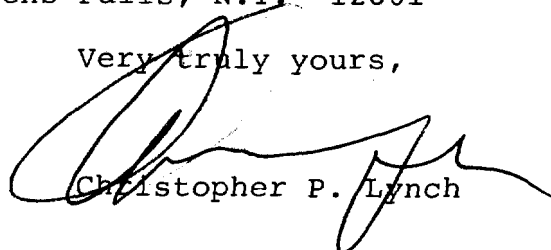
Enclosed for filing on behalf of Normandy Broadcasting Corporation, are an original and six copies of our reply.

FCC MAIL BRANCH

Please direct all responsive communications to the undersigned at:

Christopher P. Lynch  
217 Dix Avenue  
Glens Falls, N.Y. 12801

Very truly yours,



Christopher P. Lynch

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List A B C D E

Brandt, however, builds a house of cards on distortions and outright untruths. His arguments must be rejected, we believe, rejected with prejudice.

## II.

### Skidelsky Issue

While Brandt revisits the Skidelsky Issue, his conclusions are largely based on errors and distortions. In citing Character Qualifications 102FCC2D 1179, 1211, n.79 (1986) on pg. 4 he attempts to assert Normandy's misconduct was "deliberate" an assertion not supported by one word of sworn testimony. Further on pg. 4 he asserts Normandy's only mitigatory evidence is in programming, ignoring massive evidence to the contrary, eg. Normandy's Direct Exhibits 6,7 & 8, testimony as to upgraded logging techniques, additional regularly scheduled Public Affairs programming over the license term and reams of supporting letters, awards and testimonials from the community, (Normandy's Direct Exhibits 3, 9 & 11). Brandt's errors here are fatal and his conclusions must be rejected. In his "Conclusions" Brandt states Normandy failed to present any exculpatory evidence (pg.11); wrong. He again asserts there is evidence that Normandy's actions were deliberate (pg 12); wrong. He demeans Normandy's public service efforts as sworn to before the court (pg. 12); and characterizes WYLR's programming as "poor" (pg. 13) an opinion not shared by Normandy, it's community or the Mass Media Bureau. As already argued by the Mass Media Bureau and Normandy, Skidelsky should not disqualify Normandy. Brandt's arguments cannot prevail.

## III.

### COMPARATIVE ISSUE

Brandt attempts to argue from 1965 policy Statement, supra that "when all other comparative criteria are equal, an applicant with diversification preference prevails over an applicant with an integration preference,"

(pg. 14). This argument is clearly inappropriate as Normandy is superior to Brandt in all other phases of comparative criteria as set forth in Normandy's Proposed Findings. Brandt's arguments again fall far short of the mark and must be rejected.

IV.

WYLR's Renewal Expectancy

Brandt again sets up an argument supported by unsubstantiated allegations and mistruths. Brandt argues "when past performance is in conflict with the public interest...." (pg. 15). Normandy has never been shown (or alleged) to be in conflict with the public interest. Brandt argues "the record reveals that Normandy has devoted minimal attention to the issues confronting the Glens Falls area." Normandy (ie WWSC and WYLR) vehemently disagree and the record here shows quite the opposite, detailing continuing attempts of WYLR to answer the problems of the community as ascertained. "the evidence demonstrates Normandy has almost completely disregarded.... public service programming" (pg 16). We submit the record establishes just the opposite, as affirmed by sworn testimony and the awards and statements from community leaders. Brandt's allegation that Normandy has "no intentions of changing or expanding its public service format to provide any regularly scheduled public affairs programs," (pg. 17) is just an outright lie. WYLR has added (over a year ago) an hour long local Public Affairs show (Recovery Radio, Sundays 6-7 pm) the same show Brandt objected to having in Normandy's Proffer, plus WYLR has added substantially to is AM drive Public Affairs live interviews. Any arguments based on Brandt's understanding of our "intentions" must be rejected. Brandt's contention that Normandy "padded" program times, (misrepresented) facts to the commission (pg. 18) are singularly misleading. While Brandt studiously tried to trip up Normandy witnesses in the Hearing, the facts

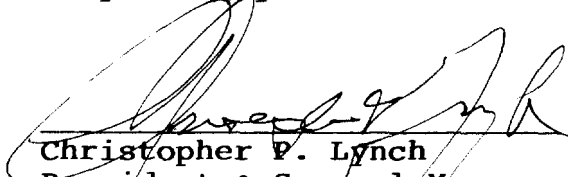
with regard to quality and length of Tri County Notebooks and other programming are a matter of sworn record and speak for themselves. His final argument the "the inaccuracies.... raise doubts as to how extensively WYLR addressed any public affairs issues...." (pg. 19) is also without merit. Over and above Normandy's Direct Exhibit and proffer, the sworn testimony of Lynch, Jacobsen, and Dusenbery, at the hearing, establishes WYLR's continuing excellence in programming to the ascertained problems of the community. The record, as so well plead by the Mass Media Bureau, establishes Normandy has provided both "meritorious" and "substantial" service to its community and has earned renewal expectancy.

V.

Conclusion

There is no argument presented here that Skidelsky would or should disqualify Normandy as a commission Licensee. Normandy and Lynch are superior to Brandt under the Standard Comparative Issue and as such should prevail. Finally, with Normandy's showing of its programming and the affirmation of its community leaders and witnesses, all uncontroverted, Normandy has earned its renewal expectancy. Accordingly Normandy requests the renewal of its licenses for WWSC and WYLR, so it may continue its 20 year record of public interest broadcasting.

Respectfully Submitted,



Christopher P. Lynch  
President & General Manager  
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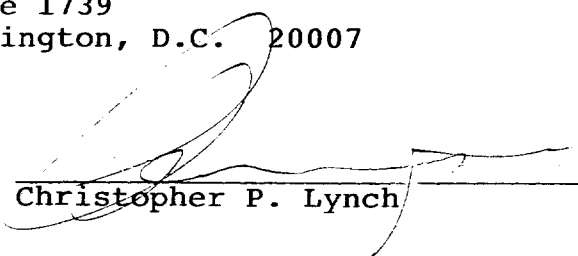
CERTIFICATE OF SERVICE

I, Christopher P. Lynch, President and General Manager of Normandy Broadcasting Corporation do hereby certify that a copy of the foregoing PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW REPLY has been sent via U.S. First-Class Mail postage prepaid this 29th day of October, 1992 to the following:

Administrative Law Judge  
Richard L. Sippel  
Federal Communications Commission  
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Washington, D.C. 20554

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Christopher P. Lynch